SENATE, No. 2869

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED SEPTEMBER 14, 2020

Sponsored by:
Senator NICHOLAS P. SCUTARI
District 22 (Middlesex, Somerset and Union)

SYNOPSIS

Establishes wine consultant permit.

CURRENT VERSION OF TEXT

As introduced.

AN ACT concerning wine consultants and supplementing Title 33 of the Revised Statutes.

BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey:*

1. As used in this act:

"Online" means any public-facing Internet website, Internet web application, or computer or mobile application, including a social networking website or publication.

"Private educational tasting event" means a scheduled event hosted by a resident of New Jersey at a private residence, at which samples may be provided and which shall not be open to the general public, but shall be limited by invitation and for which invitations are provided to guests not less than 24 hours in advance.

"Private residence" means a structure or portion of a structure that is used as a dwelling, including single family dwellings, multifamily dwellings as defined under subsection (k) of section 3 of the "Hotel and Multiple Dwelling Law," P.L.1967, c.76 (C.55:13A-1 et seq.), and other rental unit property, and individual residences within a horizontal property regime as defined pursuant to the "Horizontal Property Act," P.L.1963, c.168 (C.46:8A-1 et seq.), or a condominium as defined pursuant to the "Condominium Act," P.L.1969, c.257 (C.46:8B-1 et seq.), units in a cooperative, and units in a mutual housing corporation. The term also shall include common areas for use by residents that are not available for commercial purposes.

"Sampling" means an offering by a wine consultant to a consumer of not more than one and one-half ounces of wine per portion from each of an assortment of not more than six bottles of wine, for the purpose of education or inducing or promoting a sale.

"Virtual tasting event" means a scheduled event in a private residence, at which samples are discussed and orders are solicited online.

"Wine consultant" means a person permitted under section 2 of P.L. , c. (C.) (pending before the Legislature as this bill), to describe and pour samples of wine to consumers attending private educational tasting events and hold virtual tasting events. A wine consultant may be: (1) an independent contractor; or (2) an authorized representative or employee of a licensed supplier, manufacturer, importer, or wholesaler licensed or permitted by the Division of Alcoholic Beverage Control.

2. a. The Director of the Division of Alcoholic Beverage Control may issue a wine consultant permit for the purposes of: (1) education of and sampling of wine directly by consumers at least 21 years of age; and (2) soliciting of orders for the sale of wines tasted

during a private educational tasting event at a private residence or an online virtual educational tasting.

b. A person shall apply to the director for a wine consultant permit in a form and manner to be prescribed by the director. The permit shall be issued on an annual basis.

c. An application for a permit or a permit renewal shall include the applicant's:

(1) full name;

(2) residential address; and

(3) driver's license number.

The application shall be accompanied by a non-refundable application fee of twenty five dollars.

d. A copy of the wine consultant permit shall be kept in any vehicle transporting alcoholic beverages to or from an educational event.

e. Wine consultants or wineries employing or contracting with a wine consultant shall electronically register each educational event with the director at least three days prior to the event.

3. a. wine consultant shall not offer a sample at a tasting event to any person under the legal age for consuming alcoholic beverages or to an intoxicated person. The director shall permanently revoke the permit if a wine consultant serves or allows to be served alcoholic beverages to a person under 21 years of age.

b. A wine consultant shall not deliver or provide wine for sale during an educational event. All wine used for educational events shall be purchased from a licensed retailer or from a winery authorized to engage in direct shipping pursuant to R.S.33:1-12.

c. If any unused wine remains in an open container at the end of the educational event, a wine consultant shall:

(1) dispose of the unused wine through a sink or other permanent method of disposal and dispose of the container; or

(2) securely reseal the open container of wine, place the container in a tamper-proof, transparent bag which is sealed in a manner that makes it visibly apparent if the bag is subsequently tampered with or opened, and remove the container from the premises.

4. A solicitor permit issued pursuant to R.S.33:1-67 and valid on the date of enactment of P.L. , c. (C.) (pending before the Legislature as this bill) or that expired after September 1, 2018 may be converted to a wine consultant permit at the discretion of the director.

5. The director shall promulgate rules and regulations to effectuate the purposes of P.L. , c. (C.) (pending before the Legislature as this bill.

6. This act shall take effect on the first day of the third month next following the date of enactment.

STATEMENT

This bill creates a wine consultant permit for the purposes of: (1) education of and sampling of wine directly by consumers at least 21 years of age; and (2) soliciting orders for the sale of wines tasted during a private educational tasting event at a private residence or a virtual educational tasting held online.

Under the provisions of the bill, a wine consultant is defined as a person who is authorized to describe and pour samples of wine to consumers attending private educational tasting events and to hold virtual tasting events. A wine consultant may be: (1) an independent contractor; or (2) an authorized representative or employee of a licensed supplier, manufacturer, importer, or wholesaler licensed or permitted by the Division of Alcoholic Beverage Control. Under the bill, a private educational tasting event is defined as a scheduled event hosted by a resident of New Jersey at a private residence, at which samples may be provided and which is not to be open to the general public. The definition further provides that the event may be attended by invitation only, and invitations would be required to be sent to guests not less than 24 hours in advance. Under the bill, a virtual tasting event is defined as a scheduled event at a private residence, at which samples are discussed and orders are solicited online.

The bill sets forth an application process and registration and recordkeeping requirements for wine consultants. Under the provisions of the bill, the application fee for a permit or a permit renewal would be $25. A person with a permit would be required to apply for a renewal annually. The bill requires a copy of the wine consultant permit to be kept in any vehicle transporting alcoholic beverages to or from an educational event. Additionally, wine consultants or wineries employing or contracting with wine consultant would be required to electronically register each educational event with the Director of the Division of Alcoholic Beverage control at least three days prior to the event.

The bill also sets forth requirements for delivery, sale, and removal of wine by wine consultants. Under the bill, a wine consultant would not be permitted to offer a sample at a tasting event to any person under the legal age for consuming alcoholic beverages or to an intoxicated person. The permit of a wine consultant who serves or allows to be served alcoholic beverages to a person under 21 years of age would be permanently revoked.

The bill provides that a wine consultant would not permitted to deliver or provide wine for sale during an educational event. All wine used for educational events would be required to be purchased

from a licensed retailer or from a winery holding a valid direct shipping license. Any unused wine in an open container remaining at the end of the educational event, would be disposed of or resealed in a tamper-proof manner prior to the wine consultant leaving the premises.

Finally the bill provides that a solicitor permit valid on the date of enactment, or which expired after September 1, 2018 could be converted to a wine consultant permit at the discretion of the director.